•	1 2 3 4	COX, WOOTTON, GRIFFIN, HANSEN & POULOS, LLP Terence S. Cox (SBN 076142) Marc T. Cefalu (SBN 203324) 190 The Embarcadero San Francisco, CA 94105 Telephone No.: 415-438-4600 Facsimile No.: 415-438-4601	FILED NOV 1 7 2005					
5		Attorneys for Defendants TOM TIMMER, ANN TIMMER,	RICHARD W. WIEKING CLERK U.S. DISTRICT COURT					
	7	the <i>F/V BOUNTIFUL</i> and the <i>F/V DONITA</i>	NORTHERN DISTRICT OF CALIFORNIA					
	8	UNITED STATES DISTRICT COURT						
	9	NORTHERN DISTRICT OF CALIFORNIA						
	10	SAN FRANCISCO DIVISION						
	11	JOSEPH F. ARISPE,	Case No.: C 03 4269 CRB ARB					
	12	Plaintiff,	STIPULATION AND [PROPOSED] ORDER					
	13	v.	AUTHORIZING ENTRY ABOARD THE F/V DONITA					
	14	TOM TIMMER and ANN TIMMER, in personam, ct. al.	DURING ITS DETENTION TO PROVIDE NECESSARY					
	15	Defendants.) MAINTENANCE					
	16	IT IC HEDEDY CTIPLH ATED by a 11 days of the control of the contro						
	17 18	IT IS HEREBY STIPULATED by and between the parties to this action, through						
	l	their respective counsel, that good cause exists to allow certain members of the crew of the						
	19 20	F/V Donita and maintenance workers to enter upon the vessel to conduct and complete necessary repairs to the vessel, while it is under the detention of the United States Marshal						
	21	service and/or substitute custodian, prior to the opening of the dungeness crab season on						
	22	December 1, 2005 in the Crescent City area.						
	23	The parties agree that the following individuals may be allowed access to the vessel						
	24	to conduct and complete the ongoing necessary repairs:						
COX, WOOTTON, GRIFFIN, HANSEN & POULOS, LLP	25	1. Ron Story, Captain;						
	26	2. Lyle Wise, crewmember;						
SAN J/RANCISCO, CA 94108 TEL: 415-438-4600 FAX: 415-438-4601	27	3. Jeremy Green, crewmember;						
G&M.Bountiful	28	4. Jesse Campos, crewmember;						
1		_						

	1	5.	Lennis Storie, elect	trician; and,		
	2	6.	Dave Dougherty, w	velder.		
	3	It is further agreed that these individuals may access the vessel beginning November				
	4	16, 2005 and continuing through December 1, 2005, by reason of this stipulation and				
	5	proposed order. If for any reason the issues regarding the detention of the F/V Donita are				
	6	not resolved by December 1, 2005, the parties may request additional leave of court for				
	7	additional relief.				
	8		7.			
	9	Dated: November 1	<u>+</u> , 2005	BANNING, MICKLOW, BULL & LOPEZ Attorneys for Plaintiff JOSEPH F. ARISPE		
	10					
	11			By 2 00 00		
	12			Edward M. Bull, III		
	13					
	14	Dated: November 10	5, 2005	COX, WOOTTON, GRIFFIN,		
	15		,	HANSEN & POULOS, LLP Attorneys for Defendants		
	16			TOM TIMMER, ANN TIMMER, the F/V BOUNTIFUL and the F/V DONITA		
	17					
	18		By <u>Creace S. Cox</u>			
	19					
	20					
	21	<u>ORDER</u>				
	22	Good cause appearing it is ordered that the following individuals be allowed to				
	23	access the F/V Donit	access the F/V Donita to complete necessary repairs to the vessel prior to the opening of the			
	24	dungeness crab season on December 1, 2005 in the Crescent City area:				
COX, WOOTTON, GRIPFIN, HANSEN & POULOS, LLP	25	7. Ron Story, Captain; 8. Lyle Wise, crewmember;				
PO THE EMBARCADERO SAN FRANCISCO, CA 94103	26					
TE3: 415-438-4690 FAX: 415-438-4603	27	9.	Jeremy Green, crev	wmember;		
G&M,Boundiful	28	10.	Jesse Campos, crev	wmember;		

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	1	11. Lennis Storie, electrician; and,	
	2	12. Dave Dougherty, welder.	
	3		
	4		
	5	Dated: November 17, 2005 The Honorable Charles R. Breyer United States District Judge	
	6	United States District Judge	
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COX, WOOTTON, GRIFFIN, HANSEN & POULOS, LLP 199 THE EMBIARCADERO SAN FRANCISCO, CA 94105 TBL 415-494-4000 FAX 415-434-4001	23		
	24		
	25		
	26		
	27		
G&M.Bountiful	28		
		-3- Case No. C 03 4260 CRB	ARB